

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FIRST SPECIALTY INSURANCE
CORPORATION,**

Plaintiff,

v.

**HUDSON PALMER HOMES, INC.,
formerly known as “THE CUTLER
GROUP, INC.,” doing business as “THE
DAVID CUTLER GROUP,”
THE CUTLER GROUP, INC., doing
business as “THE DAVID CUTLER
GROUP,”**

Defendants.

CIVIL ACTION

NO. 17-5732

O R D E R

AND NOW, this 13th day of November, 2018, upon consideration of The Cutler Defendants' Motion To Dismiss The Second Amended Declaratory Judgment Complaint (Document No. 24, filed May 8, 2018), Plaintiff's Memorandum of Law in Opposition to Defendant Cutler's Second Motion To Dismiss (Document No. 27, filed May 22, 2018), The Cutler Defendants' Reply Brief in Support of Their Motion To Dismiss The Second Amended Complaint (Document No. 30, filed June 6, 2018), and Plaintiff First Specialty Insurance Corporation's Sur-Reply Brief in Opposition to Defendant Cutler's Second Motion To Dismiss (Document No. 33, filed June 19, 2018), for the reasons set forth in the attached Memorandum dated November 13, 2018, **IT IS ORDERED** that The Cutler Defendants' Motion To Dismiss The Second Amended Declaratory Judgment Complaint is **GRANTED WITHOUT PREJUDICE**. Plaintiff's request for attorneys' fees is **DENIED**.

**BY THE COURT:
/s/ Hon. Jan E. DuBois**

DuBOIS, JAN E., J.